IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1112 OF 2006

1.Mohd.Amin Jameel Ahmed.
2.Shaikh Majid Shaikh Karim. ... Applicants.

vs.

The State of Maharashtra. ...Respondent

Mr.A.R.Shaikh for Applicants.

Mr.R.Y.Mirza, APP for State.

CORAM: V.M.KANADE,J.

DATED: 31st March,, 2006

P.C.:-

1. Heard the learned Counsel appearing for the applicants and A.P.P. for the State. The applicants were arrested in connection with the offence punishable under Sections 376(g), 506 of I.P.C. at the C.R.no.119 of 2005 with Azad Nagar Police Station, Malegaon. Firstly, the prosecution's case is that the applicants by threatening the complainant on 14.10.2005 had demanded sum of Rs.10,000/-. The complaint was filed by the prosecutrix and the applicants were arrested and were released on bail thereafter. It is alleged that on 19.10.2005, the complainant had lodged again a complaint alleging

that again the applicants entered the house early in the morning and told her to withdraw the Complaint which she has filed against them and subsequently, at the point of knife they committed rape on her. The complaint was immediately lodged within three hours. There was injury on her person and the medical evidence shows that private part was swollen and there was tenderness and the Doctor opined that recent intercourse taken place.

2. In my view this is not a fit case for grant of bail because after the earlier complaint was lodged by the prosecutrix, immediately after the applicants were released on bail, they have committed this offence. Therefore, the application for bail is rejected. The chargesheet is filed. The Trial be expedited. Liberty is granted to the applicants to apply again if the trial is not over within a reasonable period of time.

(V.M.Kanade, J.)